

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,  
  
Plaintiff,  
  
v.  
  
Marcell Demetrius Gray,  
  
Defendant.

No. CR-18-01695-002-TUC-JAS (EJM)  
  
**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Markovich (Doc. 2557) that recommends denying Defendant's Motion to Dismiss Indictment for Outrageous Government Conduct (Doc. 1123). A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. Therefore, the Court will not consider any objections or new evidence.

The Court has reviewed the record and concludes that Magistrate Judge Markovich's recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

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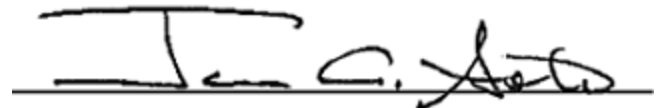
1 Accordingly, **IT IS HEREBY ORDERED** as follows:

2 (1) Magistrate Judge Markovich's Report and Recommendation (Doc. 2557) is **accepted**  
3 **and adopted.**

4 (2) Defendant's Motion (Doc. 1123) is **denied.**

5 (3) This case is referred back to Magistrate Judge Markovich.

6 Dated this 12th day of December, 2023.

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10 Honorable James A. Soto  
11 United States District Judge  
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